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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/977,303	10/16/2001	Richard M. Bentley	110878	4673
27074	7590	12/23/2004	EXAMINER	
OLIFF & BERRIDGE, PLC. P.O. BOX 19928 ALEXANDRIA, VA 22320			JEAN GILLES, JUDE	
			ART UNIT	PAPER NUMBER
			2143	
DATE MAILED: 12/23/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Applicati n N .

09/977,303

Applicant(s)

BENTLEY, RICHARD M.

Examiner

Jude J Jean-Gilles

Art Unit

2143

-- The MAILING DATE of this communication appears n the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 October 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 10/14/01
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

This office action is responsive to communication filed on 10/16/2001.

Information Disclosure Statement

1. The references listed on the Information Disclosure Statement submitted on 10/16/2001 have been considered by the examiner (see attached PTO-1449A).

Specification

2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: -- A METHOD AND APPARATUS FOR GENERATING A USER INTEREST PROFILE THROUGH THE MONITORING AND FILTERING OF ELECTRONIC MESSAGES --.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-3, 5-6, 8, 11-12, 14-15, 17, and 19-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Hertz (U.S. Patent No. 6,029,195).

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Regarding claim 1: Hertz teaches a method for generating or extending a user interest profile (*fig. 10, items 1101-1108*), comprising:

monitoring electronic messages directed to the user (*column 18, lines 25-49*);
selecting those electronic messages satisfying at least one predetermined condition indicating that they are likely to include information relevant to the user's interests (*column 18, lines 45-67; column 19, lines 1-5*); and
extracting profile data from the selected messages (*column 19, lines 5-7*).

Regarding claim 2: Hertz teaches a method according to claim 1, further comprising storing the extracted profile data (*column 19, lines 5-7*).

Regarding claim 3: Hertz teaches a method according to claim 2, further comprising displaying the extracted profile data to the user (*column 68, lines 13-17*) and storing only those data indicated by the user (*column 68, lines 51-57; column 19, lines 5-7*).

Regarding claim 5: Hertz teaches a method according to claim 1, wherein the at least one predetermined condition is constituted by the message being a forwarded message (*column 45, lines 4-12*).

Regarding claim 6: Hertz teaches a method according to claim 5, wherein said extracting further comprises operating on words added by a forwarder of the forwarded message (*column 45, lines 4-12*).

Regarding claim 8: Hertz teaches a method according to claim 1, wherein the profile data comprise one or more keywords or phrases (*column 63, lines 12-18*).

Regarding claim 11: Hertz teaches a method according to claim 1, further comprising using the extracted data to search an information repository for matching items (*column 11, lines 8-13*).

Regarding claim 12: Hertz teaches an apparatus for generating or extending a user interest profile (*fig. 2*), the method comprising:

means for monitoring electronic messages directed to the user (*column 18, lines 25-49*);

means for selecting those electronic messages satisfying at least one predetermined condition indicating that they are likely to include information relevant to the user's interests (*column 18, lines 45-67; column 19, lines 1-5*); and

means for extracting profile data from the selected messages (*column 19, lines 5-7*).

Regarding claim 14: Hertz teaches an apparatus according to claim 12, wherein the at least one predetermined condition is constituted by the message being a forwarded message (*column 45, lines 4-12*).

Regarding claim 15: Hertz teaches an apparatus according to claim 14, wherein said extracting means operates on words added by a forwarder of the forwarded message (*column 45, lines 4-12*).

Regarding claim 17: Hertz teaches an apparatus according to claim 12, wherein the profile data comprise one or more keywords or phrases (*column 63, lines 12-18*).

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Regarding claim 19: Hertz teaches an apparatus according to claim 12, further comprising:

a display for displaying the extracted profile data to the user (*column 68, lines 13-17*); and

a memory for storing only those data indicated by the user (*column 41, lines 5-21*).

Regarding claim 20: Hertz teaches an apparatus according to claim 12, further comprising means for using the extracted data to search an information repository for matching items (*column 41, lines 5-21*).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 4, 7, 9-10, 13, 16, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hertz (U.S. Patent No. 6,029,195) in view of Gershman et al (U.S. 6,401,085 B1).

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Regarding claim 4: Hertz discloses the invention substantially as claimed.

Hertz teaches the method of claim 1. However Hertz does not specifically disclose the method of claim 1 wherein the at least one predetermined condition is constituted by the message having an attachment.

In the same field of endeavor, Gershman et al disclose "*a set of restriction attached to the profile that contains a Name, and a Rule, which defines the restriction...*" [see *Gershman et al*; column 41, lines 58-61; fig 12, items 1360, 1370, and 1380].

Accordingly, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have incorporated Gershman et al's teachings of an attachment that contain predetermined profile conditions with the teachings of Hertz, for the purpose of improving the ability network "...to minimize the traffic flow in the communications network to thereby efficiently provide the desired information to the user..." as stated by Hertz in lines 43-47 of column 8.

Regarding claim 7: The combination Hertz- Gershman teaches a method according to claim 1, wherein the at least one predetermined condition is constituted by the message including a URL [see *Gershman*; column 34, lines 56-67]. By this rationale **claim 7** is rejected.

Regarding claim 9: The combination Hertz- Gershman teaches a method according to claim 1, wherein said extracting further comprises operating on data contained within a subject line of the message [see *Gershman*; column 34, lines 56-67]. By this rationale **claim 9** is rejected.

Regarding claim 10: The combination Hertz- Gershman teaches a method according to claim 1, wherein said extracting further comprises operating on an attachment to the message [see *Gershman et al*; column 41, lines 58-61; fig 12, items 1360, 1370, and 1380]. By this rationale **claim 10** is rejected.

Regarding claim 13: The combination Hertz- Gershman teaches an apparatus according to claim 12, wherein the at least one predetermined condition is constituted by the message having an attachment [see *Gershman et al*; column 41, lines 58-61; fig 12, items 1360, 1370, and 1380]. By this rationale **claim 13** is rejected.

Regarding claim 16: The combination Hertz- Gershman teaches an apparatus according to claim 12, wherein the at least one predetermined condition is constituted by the message including a URL [see *Gershman*; column 34, lines 56-67]. By this rationale **claim 16** is rejected.

Regarding claim 18: The combination Hertz- Gershman teaches an apparatus according to claim 12, wherein said extracting means operates on one of data contained within a subject line of the message and an attachment to the message [see *Gershman*; column 34, lines 56-67 column 41, lines 58-61; fig 12, items 1360, 1370, and 1380]. By this rationale **claim 18** is rejected.

Conclusion

7. Any inquiry concerning this communication or earlier communications from examiner should be directed to Jude Jean-Gilles whose telephone number is (571) 272-3914. The examiner can normally be reached on Monday-Thursday and every other Friday from 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley, can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-3719.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Jude Jean-Gilles

Patent Examiner

Art Unit 2143

JJG

December 03, 2004

William C. Vaughn
Primary Examiner
Art Unit 2143
William C. Vaughn

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